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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,277	12/19/2000	Riku Suomela	4925-87	4823

7590 06/03/2003

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EXAMINER

SMITS, TALIVALDIS IVARS

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/740,277

Applicant(s)
Riku Suomela et al.

Examiner
Talivaldis Ivars Smits

Art Unit
2654



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other:

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required if the application is allowed.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Step (e) is apparently missing the words --**by speech input**-- after “not received” in line 12. The examiner has interpreted the claim as including these words. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-5, 7, 8, 10-17, 27-32, 40, and 41 are rejected under 35 U.S.C. 102(a) as being anticipated by Marilyn French-St. George *et al.* (U.S. Patent 6,012,030, issued January 4, 2000).

As per claims 1, 2 , 27, and 28 and French-St. George *et al.* teach:

- detecting an event at the terminal (picking up the mobile phone), and performing a first command in response to said event (turning on all default input/output modalities, col. 6, lines 24-26 with Figure 6a);
- automatically activating speech recognition at the terminal in response to said event (inherent in “the user may then choose to complete the task by issuing a speech command”, col. 6, lines 36-38),
- determining whether a second command is received via a secondary speech input to be recognized or a primary input during a speech recognition time period commencing the performance of said first command, and deactivating speech recognition if the second command is received via the primary input, and performing the second command (col. 2, lines 47-50; col. 6, lines 54-57; col. 8, lines 19-22).

As per claims 3, 29, 40, and 41, French-St. George *et al.* teach determining a context in which speech recognition is activated and the corresponding applicable commands (“At each layer, the speech recognizer loads an appropriate vocabulary list”, col. 8, lines 5-6), inherently involving a word set database and a secondary control circuit determining said context. The rest of the limitations in claims 40 and 41 are the same or similar to those in claims 1, 2, 27, and 28, above, and thus are rejected for the same reasons.

As per claim 4, French-St. George *et al.* teach a default word set comprising commands applicable in all contexts (“quit”, “select other service”, “none of these”, col. 10, lines 9-15).

As per claims 5, 8, and 30, French-St. George *et al.* teach displaying at least a portion of the applicable commands (*e.g.* col. 8, line 61 through col. 9, line 7).

As per claim 7, French-St. George *et al.* teach verifying the correctness of spoken command recognition (speech based error recovery, col. 3, lines 40-43).

As per claim 10-15, French-St. George *et al.* teach buffering commands received during the speech recognition time period and performing them, and repeating the steps (c) - (f) for the command last performed (col. 6, lines 64-66; Fig. 6a).

As per claims 16-17, 31, and 32, French-St. George *et al.* teach the event of pressing a button on a mobile phone and having the primary input comprise buttons (col. 6, lines 1-4).

5. Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over French-St. George *et al.* as applied to claims 1, 2, 27, and 28, above.

While French-St. George *et al.* do not explicitly teach audibly outputting the applicable commands, they do teach that the speech recognizer provides a full range of speech prompts to the user (col. 3, lines 44-45). It would have been obvious for an artisan at the time of invention to have these speech prompts include listing the applicable commands in a given context so that the user does not have to look at a display or remember what these commands are.

6. Claims 18-26, 33-39, and 42-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over French-St. George *et al.* as applied to claims 1, 2, 27, and 28, above, in view of Michael D. Jenkins (U.S. Patent 6,377,793, filed December 6, 2000).

French-St. George *et al.* teach that their multimodal interface is “particularly useful in hand held communications devices such as mobile phones and other specialized or portable terminals for information access” (col. 7, lines 27-30), but do not specifically mention a personal digital assistant or wearable computers or connecting via short range radio technology or connecting to the internet. However, Jenkins teaches that such communications devices include “personal communication devices, communication enabled wearable computers, personal digital assistants, ... , internet appliances” as well as “any other body-worn or user-supported computer device which is capable of wireless communication” (col. 5, lines 31-36 and 39-41). Therefore, it would have been obvious for an artisan at the time of invention to use the French-St. George *et al.* interface therein and to make the defining event the connection to the relevant information source, including by phone call and a short message, so as to make these devices more versatile and user-friendly for receiving information,

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. Claim 42 recites the limitation "said wearable computer". There is insufficient antecedent basis for this limitation in the parent claim 40. For art-rejection purposes the examiner has reinterpreted the "said" as an "a".

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Marilyn French-St. George *et al.* (U.S. Patent 6,018,711, issued January 25, 2000) teach a communication system with animated representation of time remaining for speech recognizer input.

10. **Any response to this action should be mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
(non-fee Amendments should be directed to: Mail Stop Non-Fee)

or FAXed to:

(703) 872-9314 (please label *formal* communications
"OFFICIAL"; please label *informal* or draft communications,
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

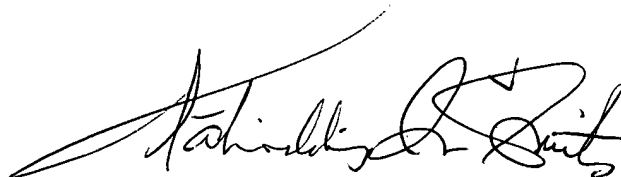
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to the examiner, Talivaldis Ivars Smits, whose telephone number is (703) 306-3011. The examiner can normally be reached Mondays-Fridays from 8:30 a.m. to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold, can be reached on (703) 305-4379. The facsimile phone number for Technology Center 2600 is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 customer service, whose telephone number is (703) 306-0377.



TĀIVALDIS MĀRS ŠMITS
PRIMARY EXAMINER

Art Unit 2654
May 29, 2003